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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,405	02/17/2000	John W. Fulton	258100/87183	7747

7590 10/17/2003

Intellectual Property Department
Porter Wright Morris & Arthur
41 South High Street
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Columbus, OH 43215

EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/506,405

Applicant(s)

FULTON ET AL.

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The Examiner requests applicant to submit a statement in compliance with 37 CFR 1.125(b) indicating "No New Matter" has been introduced in the specification.

Also, the Preliminary Amendment has been entered in part. Specifically, the amendment to the specification has not been entered since a clean copy of a substitute specification has been provided and because the indicated amendment or changes to the specification will not be possible to enter in the newly submitted substitute specification. However, the amendment to enter claims 60-63 as new claims 1-4 is entered. Applicant is referred to MPEP 201.06(c).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell et al (US Patent No. 4,071,697) in view of News and Notes, Videodisc and Optical Disk July-August 1985.

As per claims 1-4, all the claimed features are substantially taught by Bushnell et al particularly a method for facilitating transaction processing over a communications network utilizing a visually perceptible screen and a method of accessing an account,

conducting a transaction, obtaining a service or obtaining information with a user interface for a communications network, said communications network including a user operable terminal for connecting with and sending and receiving communications at a remote location relative to a provider of the account, transaction, service or information and a gateway service platform for processing and transmitting communications to and from the user operable terminal and to and from at least one computer associated with the provider of the account, transaction, service or information see the teachings of Bushnell. Bushnell discusses displaying the selection of goods or services but does not explicitly detail the selection and description of the goods/services. In the News and Notes article it is discussed a shopping system wherein a variety of goods/services are presented to a customer. The customer is opted to select a variety of menu of goods/services and description of the selected goods/services are provided or displayed to the user. Note the entire article. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings provided by News and Notes into the teachings of Bushnell et al in order to provide an interactive system wherein the descriptions of all selectable goods/services are displayed or vocally outputted to the customers. The motivation would have been to allow customers to quickly obtain all details regarding an item desired to purchase, as if they were in a live showroom.

The combination of Bushnell et al. and Videodisc and Optical Disk enables a customer to choose items of interest on a terminal screen and to directly communicate

with a service provider by voice or TDD using a telephone system. Note the teachings of Bushnell et al. and Videodisc and Optical Disk.

As per the claimed feature of "terminating the menu display on the terminal screen when the direct connection between the user and the provider is initiated", the Examiner interprets this feature as displaying another menu or display to the customer after the customer has made a selection and then communicates to an intended service provider, as such would have been obvious to one of ordinary skill in the art in the combination of Bushnell et al and Videodisc and News and Notes since a customer has control over selected items for display.


Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326 for Before Final actions and (703) 872-9327 for After Final actions.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP
10/07/03


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628